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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-256-RSM
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 EDWARD DON JOHNSON,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on July 31, 2006. The United States was represented by AUSA Lisca Borichewski and the
16 defendant by Michelle Shaw. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 7, 2005 by the Honorable Ricardo S.
18 Martinez on a charge of Bank Fraud, and sentenced to three months custody, five years supervised
19 release. (Dkt. 126).

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant not possess any firearms, submit to drug testing, participate in drug treatment,
22 abstain from alcohol, submit to search, reside in a halfway house for up to 6 months, pay

01 restitution in the amount of \$9,728.89, and provide access to financial information.

02 In an application dated June 29, 2006 (Dkt 151), U.S. Probation Officer Felix Calvillo, Jr.
03 alleged the following violations of the conditions of probation:

04 1. Failing to make regular \$100.00 payment towards restitution for the months of
05 January, February, March, April, May and June 2006, in violation of special condition #6.

06 2. Using cocaine on or about January 3, 2006, in violation of standard condition #7.

07 Defendant was advised in full as to those charges and as to his constitutional rights.

08 Defendant admitted alleged violation two and waived any evidentiary hearing as to
09 whether it occurred. The government moved to dismiss violation one.

10 I therefore recommend the Court find defendant violated his supervised release as alleged
11 in violation two, dismissed alleged violation one, and that the Court conduct a hearing limited to
12 the issue of disposition. The next hearing will be set before Judge Martinez.

13 Pending a final determination by the Court, defendant has been released on the conditions
14 of supervision.

15 DATED this 1st day of August, 2006.

16 
17 Mary Alice Theiler
18 United States Magistrate Judge

19 cc: District Judge: Honorable Ricardo S. Martinez
20 AUSA: Lisca Borichewski
21 Defendant's attorney: Michelle Shaw
22 Probation officer: Felix Calvillo, Jr.